REMARKS/ARGUMENTS

In response to the Examiner's Office Action of February 10, 2009 issued in relation to the present Patent Application, the Applicant submits Amendments to the claims, as well as the below Remarks.

Claims 8, 9, 33, 34, 48-50, 52, 53, 57 and 59-60 are presented for examination. Claims 57 and 59 are independent claims.

Regarding 35 USC 112 Rejection

Claims 57-59 are rejected under 35 USC 112, second paragraph, as being indefinite for not defining what exactly the "provider" provides.

Claims 57 and 59 have been amended to define the provider as the provider of the product item. Claim 58 has been canceled.

Regarding 35 USC 102 and 35 USC 103 Rejections

Claims 8, 33, 48-49, 52, 53 and 57-60 are rejected under 35 USC 102(b) as being anticipated by Dymetman et al. (US 6,330,976).

Claims 9 and 34 are rejected under 35 USC 103(a) as being unpatentable over Dymetman in view of Matsumoto et al. (US 6,763,334).

Claim 58 has been canceled from the application.

In the claimed invention, a message is not sent to a destination address in the usual manner. Instead, both the message and the destination address are sent to a provider address, from where the provider forwards the message to the destination address. The provider address is automatically retrieved by sensing an area on the surface of the product item. In claim 57 the message and destination address are received from a user device, whereas in claim 59 the message and destination address are extracted from sensing data received from the user device.

With regards to claim 57, Applicant submits that Dymetman fails to teach at least the steps of:

receiving from the user device a message and a destination address;
sending the message and destination address to the provider address; and
forwarding, by the provider, the message to the destination address.

With regards to claim 59, Applicant submits that Dymetman fails to teach at least the steps of:

extracting from the sensing data a message and a destination address;
sending to the provider address associated with the provider at least the message and the destination address; and
forwarding, by the provider, the message to the destination address.

Examiner asserts that the receiving and forwarding steps are taught by col. 9, lines 31-39 of Dymetman. Col. 9, lines 31-39 teaches that a network address can be obtained by sending the pid to router 802, and router 802 then returns the network address and a type.

Applicant equates the network address taught in Dymetman with the provider address defined in the claim as both are obtained/determined from the pid/product item identifier. With regards to claim 57, Applicant can find no teaching that a message and a

destination address are received from the user device (which is the same device from which the sensing data is received). With regards to claim 59, Applicant can find no teaching that a message and a destination address are extracted from sensing data.

Also, Applicant can find no teaching that a message and destination address is sent to the provider address (network address), and that a provider then forwards the message to the destination address.

In view of the foregoing it is submitted that claims 57 and 59 are allowable.

Claims 8, 9, 33, 34, 48-50, 52, 53 and 60 are dependent on one or more of claims 57 and 59, and are believed to be patentable for at least the reasons presented with regards to those claims.

CONCLUSION

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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